

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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TUNECORE, INC.,

Plaintiff,

- against -

FARYAL KHAN-THOMPSON and AUDIO AND  
VIDEO LABS, INC. d/b/a CD BABY,

Defendants.  
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: Case No. 1:23-cv-08721-AMD-  
: RML

: **STIPULATED ORDER FOR**  
: **TEMPORARY RESTRAINTS AS**  
: **TO FARYAL KHAN-**  
: **THOMPSON**

**THIS MATTER** having come before the Court on the motion by plaintiff TuneCore, Inc. (“TuneCore”) (Eric W. Moran, Esq., Epstein Becker & Green, P.C., appearing), and defendant Faryal Khan-Thompson (John P. Curley, Esq., Hoguet Newman Regal & Kenney LLP, appearing) (TuneCore and Khan-Thompson are hereinafter collectively referred to as the “Parties”) not opposing such motion; and the Parties along with defendant Audio and Video Labs, Inc., d/b/a CD Baby (“CD Baby”) having participated in a settlement conference before United States Magistrate Judge Levy on May 13, 2024; and the Parties and CD Baby having reached settlement in principle of the monetary aspect of the settlement and having agreed to undertake further negotiations on the non-monetary aspects of the settlement; and Judge Levy having ordered the Parties and CD Baby to file on or before July 12, 2024, either a stipulation of voluntary dismissal or a status report (ECF Minute Entry, entered June 13, 2024); and the Parties having agreed to a protocol for forensic examination of Khan-Thompson’s relevant accounts and devices and having undertaken to review and disclose documents in accordance with such protocol; and for good cause shown; it is hereby

**ORDERED**, that until August 7, 2024, the defendant Faryal Khan-Thompson is temporarily restrained and enjoined from:

1. Accessing and/or attempting to access TuneCore's network, online and/or cloud-based accounts or systems, including but not limited to its Google Workplace Accounts and/or any of TuneCore's cloud-based servers and shared drives;
2. Disseminating and/or using any of TuneCore's confidential information, including but not limited to the documents and electronically stored information ("ESI") identified on Exhibit F to the declaration of Kevin Bodenheimer, dated November 27, 2023, and the information contained therein (collectively, "TuneCore's Confidential Information"), except as necessary to complete the Parties' Stipulated Forensic Protocol, *see* ECF No. 48, Ex. 1) subject to the Confidentiality Stipulation and Order dated April 3, 2024, and So Ordered by Judge Levy on April 12, 2024 ("Confidentiality Stipulation and Order");
3. Altering and/or deleting the online Google Workspace user account and credentials for any account associated with the username or email address faryal.khan.thompson@gmail.com, including any such account previously used to gain access to and transfer TuneCore's Confidential Information (for the avoidance of doubt, this paragraph 3 does not prevent Ms. Khan-Thompson from sending or receiving emails from the faryal.khan.thompson@gmail.com account, from accessing such account as necessary to complete the Parties' Stipulated Forensic Protocol, or from accessing her email or Google Workspace accounts provided that she does not access, alter, or delete TuneCore Confidential Information);
4. Contacting any of the individuals, or their agents, listed on TuneCore's Excel spreadsheet entitled, "#IndependentAF VIPs List for Merch Drop.xlsx," identified on Exhibit F to the declaration of Kevin Bodenheimer, dated November 27, 2023.

s/Ann M. Donnelly

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Hon. Ann M. Donnelly, USDJ